

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

PEDRO GREEN	:	CIVIL ACTION
	:	
v.	:	NO. 06-2210
	:	
JOSEPH P. NISH, et al.	:	

**ORDER**

And now this 13<sup>th</sup> day of July, 2006, upon careful and independent review<sup>1</sup> of the Report and Recommendation of Thomas J. Reuter, United States Magistrate Judge, it is hereby ORDERED:

1. The Report and Recommendation APPROVED and ADOPTED;
2. The petition for a writ of habeas corpus is DISMISSED, without prejudice, for failure to exhaust state court remedies; and,
3. No grounds are presented for a certificate of appeal ability.

BY THE COURT:

\s\ Juan R. Sánchez

Juan R. Sánchez, J.

---

<sup>1</sup>Mr. Green's objections to the Report and Recommendation restate his arguments on behalf of his petition for writ of habeas corpus and are not directed to the substance of the Report and Recommendation. Judge Reuter recommends dismissal without prejudice, allowing Mr. Green to exhaust his state remedies by filing a petition for Post Conviction Collateral Relief, 42 Pa.C.S. § 9541 *et seq.*, before December 9, 2006. For that reason, this Court may not address the substance of Mr. Green's claims until the state courts have "an opportunity to address those claims in the first instance." *Coleman v. Thompson*, 501 U.S. 722, 732 (1991).